



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

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March 15, 2010

Mr. Tony Kawashima

REDACTED

**Warning Letter Re: FPPC No. 08/068, Anthony Kawashima/Tracey Worley Hagen**

Dear Mr. Kawashima:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),<sup>1</sup> found in Government Code section 81000, et seq. This letter is in response to a sworn complaint made against you that alleged you accepted two gifts in excess of fifty dollars (\$50) which you failed to report on your annual Statement of Economic Interests (SEI).

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you accepted a gift from Bruce Haas on behalf of the Industrial Realty Group in 2005 of a meal valued at \$60. This gift was not reported on your 2005 annual SEI. However, we also determined that the true value of the dinner was difficult to determine due to the passage of time between the dinner and the complaint, which was nearly three years. Further, you have stated that you do not drink alcohol and that alcohol was consumed by others at the dinner, which made pro-rating of the gift amount more difficult, particularly with the passage of time. Despite this, you also provided an amended 2005 Statement of Economic Interests which valued the dinner at \$60 as your pro-rated share, which is only \$10 over the gift reporting limit. We further found that you did not receive the second gift in the allegation, a gift basket from Federal Disposal.

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<sup>1</sup> The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

The Act provides that no member of a city council shall accept gifts from any single source in any calendar year with a total value of more than fifty dollars (\$50) without reporting the gift on his or her SEI. (Section 87207) SEIs are filed on an annual basis. (Section 87203)

Your actions violated the Act because you accepted a gift in excess of \$50 without reporting it on your 2005 SEI. However, due to the mitigating circumstances previously identified, we have decided to close this case with a warning letter.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

Please feel free to contact me with any questions you may have regarding this letter.

Sincerely,

REDACTED

GARY S. WINUK

Chief, Enforcement Division